

Applicant	:	Muraleedhara Herur Navada et al.	Attorney's Docket No.:
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#### REMARKS

Claims 1-26 were pending before amendment with claims 1, 8, 15, 18, 21 and 24 being independent. Claims 1-14 and 21-23 have been amended. Claims 15-20 and 24-26 have been cancelled. New claims 27-31 have been added. No new matter has been added.

In light of the claim amendments and following remarks, reconsideration and allowance of all pending claims are respectfully requested.

#### Rejections under 35 U.S.C. § 112, 1<sup>st</sup> ¶

Claims 1-7, 15-20, 24-26 stand rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph for allegedly failing to comply with the written description requirement. In particular, the Office contends that the claims recite a switch by itself and not in combination with another recited element or means. Claims have been amended to obviate the rejections.

#### Rejections under 35 U.S.C. § 112, 2<sup>nd</sup> ¶

Claims 15-17 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph for allegedly being indefinite. In particular, the Office contends that claim 15 is allegedly indefinite because it

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is unclear whether the claimed packet forwarder is a method or apparatus.

Claims 15-17 have been cancelled, thus obviating the rejections.

#### Rejections under 35 U.S.C. § 101

Claims 8-14 stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office contends that the claimed program product is not tangibly embodied in a physical medium.

Claims 8-14 have been amended to obviate the rejections. For example, amended claim 8 recites "A computer program product, tangibly embodied in a computer-readable medium".

#### Double Patenting Rejections

Claims 1, 2, 4, 5, 7, 8, 9, 11, 12 and 14-26 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 5, 7, 8, 10, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24 and 26 of copending Application No. 10/750,554. In particular, the Office contends that "[the conflicting claims] are not patentably distinct from each other because the claims

are a broader version of the claims from application 10/750,554."

In light of the claim amendment, application respectfully request reconsideration and withdrawal of the provisional non-statutory double patenting rejections.

#### Rejections Under 35 U.S.C. § 102

Claims 1, 2, 6, 8, 9, 13, 15, 16, 18, 19, 21, 24 and 25 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,490,276 to Salett et al. ("Salett"). The rejections are respectfully traversed.

#### Claim 1 and its dependent claims

Claim 1 has been amended to recite in part, "at the packet forwarding device that received the packet from the source device, processing the received packet to: identify a destination device external to the stack of packet forwarding devices, and determine whether at least one other packet forwarding device is to receive the packet before reaching the identified destination device." Thus, the processing to identify the destination for the received packet is performed by the packet forwarding device that first received the packet from the source device.

In contrast, Salett discloses "providing data communication between stations on a network which optimizes the amount of resources required for a network switch." (Salett at Col. 2, ll. 14-16.) In order to optimize the amount of resources in Salett, "the task of identifying all of the ports on the network" is spread out "across all switches on the network." (Salett at Col. 2, ll. 65-67.) Thus, each switch works to identify a portion of the ports on the network.

In addition, the network in Salett "initially does not know which stations are associated with which ports or switches" (Salett at Col. 4, ll. 35-59.) Thus, the network in Salett needs to have each switch perform at least a portion of the processing to determine the immediate next destination for the data frame. And the final destination for the data frame in Salett is another switch in the network and not a device external to the switches. Thus, each switch in Salett merely passes the data frame to another switch in the network, and none of the switches identifies a destination device external to the switches.

This is not surprising since the network in Salett does not insert a vector "when detecting that the at least one other packet forwarding device in the stack is to receive the packet

before reaching the identified destination device" as recited in claim 1. In contrast, the network in Salett needs each switch to process the header information "to formulate forwarding decisions." (Salett at Col. 5, ll. 45-58.)

In fact, the claimed subject matter avoids such redundant processing described in Salett. (See, Applicant's Specification at pg. 4, lines 3-9.) This can be accomplished, in one aspect, by having "the packet forwarding device that received the packet from the source device, process[] the received packet to: identify a destination device external to the stack having" as recited in claim 1.

For at least these reasons, claims 1 is allowable over Salett. Claims 2 and 6 depend from claim 1 and allowable over Salett for at least the same reasons.

Claim 8 and its dependent claims

Claim 8 is allowable over Salett for at least reasons similar to claim 1. Claims 9 and 13 depend from claim 8 and are allowable for at least the same reasons.

Claim 15 and its dependent claims

Claims 15 and 16 have been cancelled.

Claim 18 and its dependent claims

Claims 18 and 19 have been cancelled.

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Claim 21 and its dependent claims

Claim 21 is allowable over Salett for at least reasons similar to claim 1.

Claim 24 and its dependent claims

Claims 24 and 26 have been cancelled.

Rejections Under 35 U.S.C. § 103

Claims 3-5, 7, 10-12, 14, 17, 20, 22, 23 and 26 stand rejected under 36 U.S.C. § 103(a) as allegedly being unpatentable over Salett in view of U.S. Patent No. 5,721,820 to Abali et al. ("Abali"). The rejections are respectfully traversed.

Claims 3-5 and 7

Claims 3-5 and 7 depend from claim 1 and are allowable over Salett for at least the same reasons. The addition of Abali fails to alleviate the deficiencies of Salett.

Abali discloses providing "adaptive source routing by generating at a source node a routing message describing a plurality of allowable paths via which data message can reach a desired destination." (See Abali at abstract.) Thus, "source processor places the route words in the packet" and not the packet forwarding device that received the packet from the

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source device as recited in claim 1. This distinction is important since a vector need not be inserted at all times. Applicant provides that "if a packet enters a router in the stack that is connected to the packet's destination, which is external to the stack, a device vector is not inserted." (See, Applicant's Specification at pg. 5, lines 16-23.)

For at least these reasons, claims 3-5 and 7 are allowable over the proposed combination of Salett and Abali.

#### Claims 10-12 and 14

Claims 10-12 and 14 are allowable over the proposed combination of Salett and Abali for at least reasons similar to claims 3-5 and 7.

#### Claims 17, 20, 22, 23 and 26

Claims 22 and 23 are allowable over the proposed combination of Salett and Abali for at least reasons similar to claims 5 and 9. Claims 17, 20 and 26 have been cancelled.

#### New Claims 27-31

New claims 27-31 depend from claim 21, and are allowable over the prior art of record for at least reasons similar to claim 21. In addition, claims 27-31 are allowable for reasons similar to claims 3, 4, 6 and 7.

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#### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. A formal notice of allowance is respectfully requested.

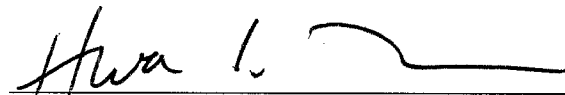


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Please apply the one month extension of time fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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